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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANA JEAN STEELE,

Defendant.

NOTICE OF INTENT TO RELY ON THE  
EXPERT TESTIMONY OF FORENSIC  
SCIENTIST AMBERLEE RYNN  
SAUNDERS PURSUANT TO FED. R.  
CRIM. PRO. 16(a)(1)(G) AND FED. R.  
EVID. 702

Case No. 1:21-CR-73 RJS

Judge Robert J. Shelby

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The United States of America (“United States”), by and through the undersigned Assistant United States Attorney, and pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure and Rule 702 of the Federal Rules of Evidence, hereby provides to defendant the following notice relating to expert testimony the United States may offer in the trial of this case.

The United States respectfully reserves the right to offer additional testimony by this expert, or other expert witness(es), and for the experts to amend or adjust their opinions and bases for those opinions due to information made known to the experts before or during trial.

**Rule 702 and Rule 16(a)(1)(G) Expert Notice**

Rule 702 of the Federal Rules of Evidence provides that “[a] witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an

opinion or otherwise if: (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) the expert has reliably applied the principles and methods to the facts of the case.

The Committee Note to the rule provides that "if the witness is relying solely or primarily on experience, then the witness must explain how that experience leads to the conclusion reached, why that experience is a sufficient basis for the opinion, and how that experience is reliably applied to the facts [of the case]."

The United States makes the following proffer to fulfill the above requirements and the requirement of Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure that the summary of expert testimony provided by the government: describe "the witnesses' opinions, the bases and reasons for those opinions, and the witnesses' qualifications."<sup>1</sup>

### **Summary of Anticipated Testimony**

The United States will offer expert testimony from Forensic Scientist Amberlee Rynn Saunders from the Utah State Bureau of Forensics Sciences. Saunders' testimony will relate to the controlled substances at issue in this case, and she will opine that, based on the results of certain chemical tests, the substances are methamphetamine. She will also testify about the weight and purity of the controlled substances. Specifically, Saunders will testify that she first conducted a presumptive test of the substances. Saunders will testify that she also conducted a Gas Chromatography-Mass Spectrometry ("GC/MS") test for confirmation. Finally, Saunders will testify that in the first test of Item 1 (Agency Item 88939), the total combine weight of the methamphetamine tested was 371.808 grams, 350.50 grams of which is actual methamphetamine.

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<sup>1</sup> See *United States v. Velarde*, 214 F.3d 1204 (10th Cir. 2000) (holding that a district court must make a reliability determination, but procedure for doing so within the discretion of the court).

Saunders will further testify that she conducted a second test following the same procedure on Item 2 (Agency Item 88944). The aggregated weight from the six plastic bags was 17.052 gram, 16.40 grams of which is actual methamphetamine.

There is one laboratory report, dated May 3, 2021, that Saunders will rely upon for her testimony. It is included as Attachment A. The United States anticipates that Saunders will testify consistent with these laboratory reports for the methamphetamine in this case.

### **Rule 16(a)(1)(G) Qualifications**

Senior Forensic Scientist Saunders' qualifications and training are included in her Curriculum Vitae ("CV"), which is attached as Attachment B. Saunders has a Bachelor of Science degree in Chemistry from Utah Valley University, with an emphasis in Forensic Chemistry. Saunders has specialized training from ATF Laboratories, Clandestine Laboratory Investigating Chemists Association, Northwest Association of Forensic Scientists, California Criminalistics Institute, and other organizations.

Since 2011, Saunders has been employed with the State of Utah Bureau of Forensic Services. Saunders has progressed from Forensic Scientist I, Chemistry, to Forensic Scientist II, Chemistry, to Senior Forensic Scientist, Chemistry. Saunders has extensive specialized training, as outlined in her CV.

Saunders has not authored any publications in the last ten years.

Pursuant to Rule 16(a)(1)(G)(iii), Saunders has testified as an expert at trial or deposition, in the following cases during the last four years:

- Case No.: 211701854, Christopher Wayne Robertson, January 9, 2023
- Case No: 215203176, Luke Spear, September 8, 2022
- Case No: 201900185, Damon Jay Marshall, March 8, 2022
- Case No: 191402992, Amber Childs Canals, August 13, 2021
- Case No.: 201100017, Adam Cook, July 29, 2021
- Case No.: 201700454, Arlen Prettyman, July 8, 2021

- Case No.: 181600112, Elias Flores, March 11, 2020
- Case No.: 20181523, Benjamin Rudd, February 20, 2020
- Case No.: 191402471, Justin Joseph Richmond, January 22, 2020
- Case No.: 191100150, Casey Ogrady, December 5, 2019
- Case No.: 171901941, Jacob Parnell, March 20, 2019
- Case No.: 175900055, Jorge Alberto Martinez, January 23, 2019

Pursuant to Rule 16(a)(1)(G)(v), Saunders has reviewed this summary and filing, and has approved this filing. Furthermore, she has allowed this filing to be electronically signed here:

/s/ Amberlee Rynn Saunders  
AMBERLEE RYNN SAUNDERS  
Senior Forensic Scientist  
Utah Bureau of Forensic Services

DATED this 6<sup>th</sup> day of December, 2023.

TRINA A. HIGGINS  
United States Attorney

/s/ Nathan D. Lyon  
NATHAN D. LYON  
MARIA MOOERS-PUTZER  
Assistant United States Attorneys

# ATTACHMENT A

04/29/2021

**Utah Bureau of Forensic Services**  
**819 W. 2nd St. Ogden, UT 84404 (801) 393-4549**

CL Case#:	N2021-0248	Agency Case #:	21N-94
Agency:	WEBER MORGAN NARCOTICS STRIKE FORCE	Report#:	1
Agency Address:	PO 12848, Ogden UT 84412		

**Forensic Analysis Report-CONTROLLED SUBSTANCE ANALYSIS**

**Evidence Submission Information**

Evidence Submitted:	03/18/2021
How Received:	Hand Delivered
Investigating Officer:	B Hansen
Delivered By:	Teresa Smullin
Received By:	Amberlee Saunders

**Case Names**

<u>Type</u>	<u>Name</u>	<u>Sex</u>	<u>Race</u>
Other	STEELE,DANA J		
Other	VANDERWOUE,JUSTIN M		

**Crimes**

CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA ENHANCEMENTS

**Chain of Custody Statement**

The item(s) submitted under the police agency case numbers referenced in this report were in a sealed condition at the time any examination, testing, or analysis was commenced by the undersigned, and that said examination or handling, if any, of the actual items within any such sealed containers was accomplished in a manner to preserve the integrity of the item to assure that any chance of misidentification or environmental cross-contamination would be avoided by adherence to standardized procedures within the Utah Bureau of Forensic Services appropriate to any processes applicable to the examination, analysis, or testing of said items. Any deviation from said procedures and the reasons therefore are noted in the case record. The breaking of any seal or part of the container in which the item was submitted has been followed by reinsertion of the item into its original container, whenever possible, following any examination, testing, or analysis and resealing that container with the undersigned's initials placed over such new seal.

**Forensic Analysis Report Follows**

This report contains the conclusions, opinions, and/or interpretations of the laboratory analyst whose signature appears on this report. The results relate only to the items tested and/or sampled.

04/29/2021

**Utah Bureau of Forensic Services**  
**819 W. 2nd St. Ogden, UT 84404 (801) 393-4549**

CL Case#:	N2021-0248	Agency Case #:	21N-94
Agency:	WEBER MORGAN NARCOTICS STRIKE FORCE	Report#:	1
Agency Address:	PO 12848, Ogden UT 84412		

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**Forensic Analysis Report-CONTROLLED SUBSTANCE ANALYSIS**

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Item 1 (Agency Item 88939). Methamphetamine was identified in the plastic bag. The total weight of the white crystalline substance was 371.808 grams +/- 0.004 grams.

The sample was determined to be 94.27 percent +/- 7.16 percent pure methamphetamine. Based on the weight, purity, and measurement uncertainty, the sample contains 350.50 grams +/- 26.64 grams of actual methamphetamine.

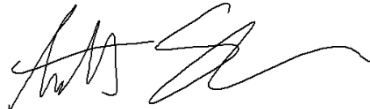
Item 2 (Agency Item 88944). Methamphetamine was identified in the six plastic bags. The total weight of the white crystalline substance was 17.052 grams +/- 0.010 grams.

The combined sample was determined to be 96.15 percent +/- 7.31 percent pure methamphetamine. Based on the weight, purity, and measurement uncertainty, the combined sample contains 16.40 grams +/- 1.26 grams of actual methamphetamine.

All measurement uncertainties calculated at a coverage probability of 95.45%.

**I declare under criminal penalty of the State of Utah that the foregoing is true and correct.**

**Executed On:** 05/03/2021



Amberlee Saunders  
Senior Forensic Scientist

## ATTACHMENT B



**CURRICULUM VITAE**  
**Amberlee Rynn Saunders**

**PERSONAL INFORMATION**

Senior Forensic Scientist, State of Utah Bureau of Forensic Services  
4451 South 2700 West  
Salt Lake City, Utah 84129  
Telephone: (801) 419-4053 Email: arsaunders@utah.gov

**EDUCATION**

Bachelor of Science Degree, Chemistry, Emphasis in Forensic Chemistry  
Utah Valley University, Orem, Utah, April 2011

**PROFESSIONAL EXPERIENCE**

*June 2011 to October 2015:*

State of Utah Bureau of Forensic Services  
Forensic Scientist I, Chemistry Section  
Involved in the identification of controlled substances and general unknowns.

*October 2015 to October 2018:*

State of Utah Bureau of Forensic Services  
Forensic Scientist II, Chemistry Section  
Involved in the identification of controlled substances and general unknowns, clandestine laboratory analysis, and fire debris analysis.

*October 2018 to present:*

State of Utah Bureau of Forensic Services  
Senior Forensic Scientist, Chemistry Section  
Involved in the identification of controlled substances and general unknowns, clandestine laboratory analysis, and fire debris analysis.

**SPECIALIZED TRAINING**

2022 CLIC Technical Training Seminar, Clandestine Laboratory Investigating Chemists Association, 40 hours, September 2022  
2021 CLIC Technical Training Seminar, Clandestine Laboratory Investigating Chemists Association, 40 hours, September 2021  
ATF Advanced Fire Debris Analysis for the Forensic Chemist, ATF Laboratories, 40 hours, August 2019  
2018 CLIC Technical Training Seminar, Clandestine Laboratory Investigating Chemists Association, 40 hours, September 2018  
Agilent 5973/5975 GC/MSD Troubleshooting and Maintenance, Agilent Technologies, 24 hours, January 2018  
NWAFS Annual Conference, Northwest Association of Forensic Scientists, 32 hours, September 2016  
Advanced Fire Debris Analysis Online Course, University of Central Florida, 40 hours, March

2016

Intro to Fire Debris Analysis Online Course, University of Central Florida, 40 hours, July 2015

Intro to Fire Debris Analysis Training, California Criminalistics Institute, 40 hours, May 2015

NWAFS Annual Conference, Northwest Association of Forensic Scientists, 40 hours, October 2014

Uncertainty Measurements, RTI, 1 hour, September 2014

Introduction to Uncertainty in Forensic Chemistry and Toxicology, RTI, 1 hour, September 2014

Advanced Occupational Competencies for Forensic Laboratory Scientists, Forensic Foundations Group, 40 hours, August 2014

NWAFS Annual Conference, Northwest Association of Forensic Scientists, 40 hours, September 2013

Advanced Crime Scene Specialist Training, State of Utah Bureau of Forensic Services, 40 hours, May 2013

Basic Crime Scene Specialist Training, State of Utah Bureau of Forensic Services, 40 hours, April 2013

Internal Auditor Training, State of Utah Bureau of Forensic Services, 8 hours, October 2012

DEA Forensic Chemist Seminar, DEA Laboratory, 40 hours, September 2012

Marijuana Identification Technician Training, State of Utah Bureau of Forensic Services, 32 hours, August 2011

ECCO Laser Induced Breakdown Spectroscopy Training, Foster and Freeman, 8 hours, July 2011.

ffTA GRIM 3 and Microspectrophotometer Training, Foster and Freeman, 8 hours, January 2011.